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July 12, 2007

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **Notice of *Ex Parte* Presentation**
WT Docket Nos. 96-86, 06-150 and 06-169; PS Docket No. 06-229

Dear Ms. Dortch:

On July 11, 2007, Matt Larsen, President of the Wireless Internet Service Providers Association (“WISPA”) and owner of Vistabeam, Mac Dearman, Secretary of WISPA and CEO of Inetsouth, Elizabeth Bowles, President of Aristotle.net, and undersigned counsel to WISPA met with Aaron Goldberger, legal advisor to Commissioner Deborah Taylor Tate, to discuss issues related to service rules for the above-referenced 700 MHz service rules proceedings.

WISPA highlighted the points made in its Comments and Reply Comments, emphasizing the benefits of its proposal for a 20 percent bidding credit that would be available in the 428 rural Cellular Market Areas (“CMA”) to bidders that (a) do not have a “material relationship” with a “large wireless carrier” or “large cable operator,” and (b) had filed FCC form 477 for the year immediately preceding the auction. WISPA further stressed the importance of having two spectrum blocks available on a CMA basis so that existing rural ISPs would have a greater opportunity to acquire spectrum that would allow them to compete with other operators, overcome power limitations and other signal-limiting problems and/or expand existing networks to new areas. These points are summarized in the attached document, which was distributed to Mr. Goldberger at the meeting.

In response to a question from Mr. Goldberger, WISPA indicated that it was opposed to “open access” obligations in markets where bidding credits would be available, but that “open access” conditions might provide opportunities for new entrants to use licensed spectrum in the larger geographic spectrum blocks. WISPA also expressed concern over how “open access” would be implemented and enforced.

Pursuant to section 1.1206 of the Commission's Rules, this notice is being filed via ECFS in the above-referenced proceedings. Please direct any questions regarding this notice to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen E. Coran", with a stylized flourish at the end.

Stephen E. Coran

Enclosure

cc: Aaron Goldberger

Wireless Internet Service Providers Association WT Docket No. 06-150

The Wireless Internet Service Provider Association (“WISPA”) is an association of wireless ISPs (“WISPs”), broadband equipment manufacturers and others dedicated to promoting and improving wireless broadband access across the country. WISPs operate in a vast range of communities – small and large, rural and urban – using a variety of unlicensed spectrum solutions. Many are interested in acquiring 700 MHz spectrum in order to expand territory to new areas or add new competitive services.

WISPA Supports Bidding Credits for Rural CMAs

In its Comments, WISPA urged the FCC to adopt a **20 percent bidding credit available only for the 428 rural CMAs** to bidders that certify to the following:

- The bidder **does not have a “material relationship” with a “large wireless carrier” or “large cable operator”** (*i.e.*, companies with average gross revenues of exceeding \$5 billion for the three years preceding the auction); and
- The bidder **has filed FCC Form 477** for at least one year immediately preceding the start of the auction.

Benefits of this proposal include **encouraging incumbent WISPs to participate in the auction by lowering entry costs** so that more funds will be directed primarily to build-out, and **facilitating new entry** in the provision of advanced services, often to rural Americans that do not have viable alternatives. Given the existing concentration in broadband services by wireless carriers and DSL providers that may choose not to extend their plant to rural areas, the FCC should exercise its discretion and adopt a “rural market bidding credit” that **does not exclude large incumbents**.

WISPA Supports Adoption of CMA Blocks in Both the Upper and Lower 700 MHz Bands

WISPA urges adoption of **Proposal 2** or any other band plan that creates a minimum of 11 MHz on a CMA basis in the Upper 700 MHz band. This would create the appropriate “geographic mix” of licenses for large incumbents and a third national new entrant (REAGs and EAs), and also **“provide opportunities for small providers in rural areas.”** Previous auctions demonstrate **high level of interest among small and rural incumbents for spectrum-based services**, yet also illustrate the success that incumbents have had in increasing their spectrum holdings. Bidders should not have to buy larger market areas just to expand their footprints beyond the local community, especially where **REAGs and EAs can be aggregated**. For the Lower 700 MHz band, WISPA urges the FCC to adopt its existing proposal.

WISPA Supports Geographic Build-Out Requirements with Exemptions for Rural CMAs

WISPA agrees with FCC’s plan to adopt **geographic-based build-out requirements** with a **“keep what you use”** element, but believes that **licensees in rural CMAs should be exempt from the three- and five-year benchmarks** in recognition of the higher costs and additional build-out time it will take to cover small and rural communities. This exemption would acknowledge that vendors tend to focus on high-volume, urban markets where they have existing relationships with the large incumbent, but assures that smaller CMAs will be served within a reasonable period of time. The FCC should not adopt specific coverage criteria at this time in light of the potential for technology to change and in furtherance of its flexible use policies.